

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT:

Resolution No. **BS32**, authorizing execution of a Quit Claim Deed to transfer a portion of Northup Way right-of-way to the Washington State Department of Transportation (WSDOT) as part of the SR 520 Eastside Transit and High Occupancy Vehicle (HOV) improvement project, and waiving compensation because the transfer of the proposed right-of-way is in the public's interest and advantage.

FISCAL IMPACT:

There will be no fiscal impact to the City with the transfer and waiver of compensation associated with this action. Pursuant to Bellevue City Code Chapter 14.35.170, Council may waive any compensation required where the Council deems such waiver to be in the public's interest and advantage.

Through a future right-of-way Turnback Agreement, WSDOT will convey to the City the right-of-way acquired and improvements constructed by the State at the intersection of 108th Avenue NE and Northup Way. There will be no compensation provided to the State, because the right-of-way and improvements will be used for transportation purposes.

STAFF CONTACT:

David Berg, Director, 452-6468
Ron Kessack, Assistant Director, 452-4631
Rick Logwood, Capital Projects Manager, 452-6858
Transportation Department

POLICY CONSIDERATION:

Comprehensive Plan provisions related to transfer of right-of-way:

- TR-2: Work actively and cooperatively with state agencies to plan, design, fund, and construct regional transportation projects that carry out the City's transportation and land use goals.
- TR-100: Actively participate in the SR-520 bridge replacement and HOV Project.
- EN-91. Work with the state to mitigate freeway noise, while addressing aesthetic concerns.
- EN-67. Preserve a portion of the significant trees through the city in order to sustain fish and wildlife habitat.

BACKGROUND:

As presented to Council in September 2010, WSDOT awarded the SR 520 Eastside HOV and Transit project construction contract to Eastside Corridor Constructors (ECC) in October 2010. Final completion of the project is scheduled for year end 2013. Staff also presented the scope of intersection improvement planned at Bellevue Way and 108th Avenue NE, and what would eventually be built by WSDOT and turned over to the City.

In January 2011, WSDOT and ECC released updated noise analysis data and proposed project modifications addressing noise mitigation along the Northup Way frontage of Yarrowood Condominium, which is located immediately north of Northup Way and east of 108th Avenue NE. The analysis was developed according to the contract requirements, Revised Code of Washington (RCW's), and WSDOT policies and procedures.

Based on design criteria, the proposed noise mitigation will be most effective along the north margin of Northup Way, and is in the form of an approximately 14' tall screening wall running the entire length of the condominium's frontage on Northup Way. Constructing the noise wall adjacent to the existing right-of-way will require the removal of additional significant trees conflicting with the alignment, and other constructed related impacts. Such an alignment will further reduce the number of significant trees remaining between Northup Way and the existing development, and potentially impact fish and wildlife habitat as there are open streams in the immediate vicinity.

To avoid and reduce potential impacts to the natural environment, the eastern portion of the noise wall could be constructed across City right-of-way. The noise wall will be privately owned and maintained and it cannot be located within City's right-of-way. A long term right-of-way use permit (lease of City right-of-way) is not recommended, as the wall alignment will occlude use and access to that portion of right-of-way north of the wall. The wall is also a permanent surface facility associated with mitigation of traffic background noise, and not likely to be modified in location or removed.

Improvements to be constructed by WSDOT at 108th Avenue NE/Northup Way provide additional turn lanes and bike lanes supporting the City's transportation goals and objectives. WSDOT's will be acquiring separate right-of-way to construct the improvements. In their negotiations to acquire right-of-way and as part of their negotiation will include this portion of the City's right-of-way as part of the overall just compensation, if authorized by Council. This means that the area proposed to be conveyed to WSDOT will eventually be owned by Yarrowood Condominium as common area, and will not constitute a gift of public funds. It also reflects that the separate right-of-way to be acquired by WSDOT to construct intersection improvements at 108th Avenue NE/Northup Way will also be later conveyed to the City. Further, approval of this action will not increase the cost to construct the SR 520 Eastside HOV and Transit project.

Staff reviewed the wall design, revised proposed alignment, potential impacts, mitigation, and potential to avoid further adverse impacts to the natural environment. Staff has further reviewed long term plans and use of the existing right-of-way relative to future planned improvements and no use of this area has been identified. Staff recommends Council approval of this action as it is responsive to the City's policies, and further is in the public's interest and advantage, through essentially maintaining significant trees, which provide screening and wildlife habitat, protecting adjacent streams, allowing for construction of noise mitigation without adding significant environmental impact, and reflecting that WSDOT is also constructing intersection improvements that benefit the broader public and will be later conveying said improvements and other right-of-way they have acquired at no cost to the City. .

EFFECTIVE DATE:

If approved, this Resolution becomes effective immediately upon Council adoption.

OPTIONS:

1. Approve Resolution No. 8532 authorizing execution of a Quit Claim Deed to transfer a portion of Northup Way right-of-way to the Washington State Department of Transportation (WSDOT) as part of the SR 520 Eastside Transit and High Occupancy Vehicle (HOV) improvement project, and waiving compensation because the transfer of the proposed right-of-way is in the public's interest and advantage.
2. Do not approve Resolution No. 8532 and provide alternative direction to staff.

RECOMMENDATION:

Approve Resolution No. 8532 authorizing execution of a Quit Claim Deed to transfer a portion of Northup Way right-of-way to the Washington State Department of Transportation (WSDOT) as part of the SR 520 Eastside Transit and High Occupancy Vehicle (HOV) improvement project, and waiving compensation because the transfer of the proposed right-of-way is in the public's interest and advantage.

MOTION:

Move to approve Resolution No. 8532 authorizing execution of a Quit Claim Deed to transfer a portion of Northup Way right-of-way to the Washington State Department of Transportation (WSDOT) as part of the SR 520 Eastside Transit and High Occupancy Vehicle (HOV) improvement project, and waiving compensation because the transfer of the proposed right-of-way is in the public's interest and advantage.

ATTACHMENTS:

Proposed Resolution No. 8532

AVAILABLE IN COUNCIL OFFICE:

Final Draft - Quit Claim Deed
Wall location plan & profile

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8532

A RESOLUTION authorizing the execution of a Quit Claim Deed to transfer a portion of Northup Way right-of-way to the Washington State Department of Transportation (WSDOT) as part of the SR 520 Eastside Transit and High Occupancy Vehicle (HOV) improvement project, and waiving compensation because the transfer of the proposed right-of-way is in the public's interest and advantage.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute a Quit Claim Deed to transfer a portion of Northup Way right-of-way to the Washington State Department of Transportation (WSDOT) as part of the SR 520 Eastside Transit and High Occupancy Vehicle (HOV) improvement project, and waiving compensation because the transfer of the proposed right-of-way is in the public's interest, a copy of which agreement has been given Clerk's Receiving No. _____.

Passed by the City Council this _____ day of _____, 2013, and signed in authentication of its passage this _____ day of _____, 2013.

(SEAL)

Conrad Lee, Mayor

Attest:

Myrna L. Basich, City Clerk